



#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
WATTS, LLOYD

Application No. 10/074,991

Filed: February 13, 2002

For: FILTER SET FOR FREQUENCY ANALYSIS)

) Group Art Unit: 2644

) Examiner: McChesney, Elizabeth A.

) Date: February 9, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on Feb 9, 2004

Signed: \_\_\_\_\_

Pat Tate

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)**

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

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FEB 17 2004

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APR 15 2005  
CUSTOMER SERVICE  
PUBLISHING DIVISION

This petition to withdraw holding of abandonment is filed in response to the Notice of Abandonment mailed January 22, 2004, within the 2 months required by 37 CFR 1.181(f).

The applicant respectfully requests the withdrawal of the holding of abandonment in view of the enclosed copy of the response to the Examiner's Notice Regarding Drawings, which was timely filed. The Examiner's Notice Regarding Drawings was mailed on October 3, 2003. The enclosed response was timely filed on December 3, 2003. A copy of the Examiner's Notice Regarding Drawings, return receipt postcard, transmittal showing Certificate of Mailing for December 3, 2003, corrected formal drawings 5-8 on Sheets 5/9 and 6/9, and PTO Form 948 are enclosed as evidence.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such

willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SKM', is written over the typed name.

Scott S. Kokka  
Reg. No. 51,893

VAN PELT & YI LLP  
10050 N. Foothill Blvd.  
Suite 200  
Cupertino, CA 95014  
(408) 973-2585



2644

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Attorney Docket No.: ANSCP006
WATTS, LLOYD	)	
	)	Examiner: McChesney,
	)	Elizabeth A.
Application No.: 10/074,991	)	Group Art Unit: 2644
	)	
Filed: February 13, 2002	)	Date: February 9, 2004
	)	
For: FILTER SET FOR FREQUENCY ANALYSIS	)	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Mail Stop: Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313 on February 9, 2004.

Signed: Pat Tate  
Pat Tate

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Mail Stop: Issue Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

Sir:

Transmitted herewith is a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) and the following documents for the above-entitled matter:

- Notice of Abandonment
- Examiner's Notice Regarding Drawings,
- Return receipt postcard,
- Transmittal showing certificate of mailing for December 3, 2003,
- Corrected formal drawings 5-9 on Sheets 5/9 and 6/9
- PTO Form 948



Applicant(s) believe that no fee is required; however, if it is determined that such fee is required, Applicant(s) hereby authorize the Commissioner to charge the required fees Deposit Account No. 50-0685 ( ANSCP006).

Respectfully submitted,  
VAN PELT & YI LLP

Scott S. Kokka

Scott S. Kokka

Registration No. 51,893

10050 N. Foothill Blvd.  
Suite 200  
Cupertino, CA 95014  
Telephone: (408) 973-2585

Atty. Docket No. ANSCP006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,991	02/13/2002	Lloyd Watts	ANSCP006	6884

21912 7590 01/22/2004

VAN PELT & YI LLP  
10050 N. FOOTHILL BLVD #200  
CUPERTINO, CA 95014

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FEB 05 2004

VAN PELT & YI LLP  
Van Pelt & Yi LLP

FEB 05 2004

EXAMINER

MCCHESNEY, ELIZABETH A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 01/22/2004

p #10



Please find below and/or attached an Office communication concerning this application or proceeding.

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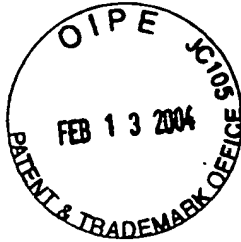


UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/274,991



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NOTICE OF ABANDONMENT

EXAMINER
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ART UNIT	PAPER NUMBER
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ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380

DATE MAILED:

This application is abandoned in view of:

p #10

☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10-3-03.

☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).

☒ No reply has been received.

☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).

☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.

☐ The issue fee and publication fee, if applicable, have not been received.

☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

☐ No corrected drawings have been received.

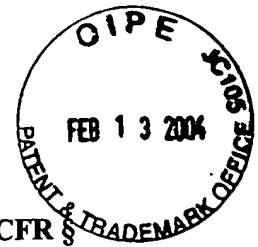
☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact-abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

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**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Lloyd Watts

Application No.: 10/074,991

Filed: February 13, 2002

For: FILTER SET FOR FREQUENCY ANALYSIS

) Attorney Docket No.: ANSCP006

) Examiner: Elizabeth A. McChesney

) Group Art Unit: 2644

) Date: December 3, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313 on Dec. 3, 2003.

Signed: \_\_\_\_\_

Pat Tate

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the requested corrected drawings, the Notice Regarding Drawings and the Notice of Draftperson's Patent Drawing Review for the above-entitled matter.



Applicant(s) believe that no fee is required; however, if it is determined that such fee is required, Applicant(s) hereby authorize the Commissioner to charge the required fees Deposit Account No. 50-0685 (ANSCP006).

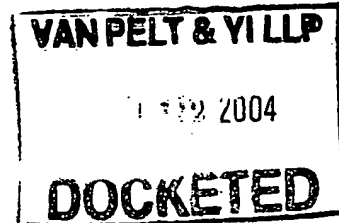
Respectfully submitted,  
VAN PELT & YI LLP

Scott S. Kokka  
Registration No. 51,893

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Suite 200  
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Telephone: (408) 973-2585



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JAN 12 2004  
**VAN PELT & YI LLP**



Atty. Ref. No. ANSCP006

Appln. No. 10/074,991

Inventor (s): LLOYD WATTS

Filing Date: February 13, 2002

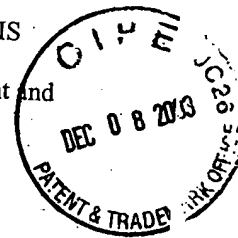
Date: December 3, 2003

By:SSK/pt

For: FILTER SET FOR FREQUENCY ANALYSIS

The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon:

1. Transmittal;
2. Corrected drawings-2 sheets;
3. Notice Regarding Drawings;
4. Notice of Draftperson's Patent Drawing Review.



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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10 074,991

2/13/02

LLOYD

ANSCPD006

VAN PELT & YI LLP  
10050 N. FOOTHILL BLVD #200  
CUPERTINO, CA 95014

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OCT 07 2003  
VAN PELT & YI LLP

Examiner  
MCCLESNEY  
Art Unit  
2644  
Paper Number  
#9

Date Mailed:  
10/3/03

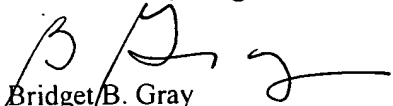
Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 7-7-03 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Drawing Review

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

  
Bridget B. Gray  
Office of Patent Publication,  
Publishing Division  
703-305-8404

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FEB 17 2004

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FEB 17 2004

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 1-7-03 are:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

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1. **DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_

☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

2. **PHOTOGRAPHS.** 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) \_\_\_\_\_

☐ Photographs may not be mounted. 37 CFR 1.84(e)

☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_

☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

3. **TYPE OF PAPER.** 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable.

☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

☐ All drawing sheets not the same size.

☐ Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☐ Margins not acceptable. Fig(s) 5

☐ Top (T) ☒ Left (L)

☐ Right (R) ☐ Bottom (B)

6. **VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is

changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the

specification, at the Brief Description of the Drawings,

must likewise be changed.

☒ Views not labeled separately or properly.

Fig(s) 5, 6

7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with

Arabic or Roman numbers. Fig(s) \_\_\_\_\_

8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right

fashion when page is either upright or turned so

that the top becomes the right side, except for

graphs. Fig(s) \_\_\_\_\_

9. **SCALE.** 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism

without crowding when drawing is reduced in

size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

10. **CHARACTER OF LINES, NUMBERS, &**

**LETTERS.** 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and

well defined, clean, durable, and black (poor line

quality). Fig(s) 5, 6, 7, 8

11. **SHADING.** 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_

☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_

12. **NUMBERS, LETTERS, & REFERENCE**

**CHARACTERS.** 37 CFR 1.84(p)

☒ Numbers and reference characters not plain and

legible. Fig(s) 5, 6, 7, 8

☐ Figure legends are poor. Fig(s) \_\_\_\_\_

☐ Numbers and reference characters not oriented in

the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) \_\_\_\_\_

☐ English alphabet not used. 37 CFR 1.84(p)(2)

Fig(s) \_\_\_\_\_

☒ Numbers, letters and reference characters must be

at least 32 cm (1/8 inch) in height. 37 CFR

1.84(p)(3). Fig(s) 5, 6, 7, 8

13. **LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) \_\_\_\_\_

14. **NUMBERING OF SHEETS OF DRAWINGS.**

37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic

numbers beginning with number 1. Sheet(s) \_\_\_\_\_

15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic

numerals, beginning with number 1. Fig(s) \_\_\_\_\_

16. **DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate.

Fig(s) \_\_\_\_\_

☐ Solid black surface shading is not permitted except

when used to represent the color black as well as

color contrast. Fig(s) \_\_\_\_\_

COMMENTS:

Reviewer

Reid D. Gray

Date

9-25-03

If you have questions, call (703) 305-8404.

Attachment to Paper No. \_\_\_\_\_



Replacement Sheet  
U.S Patent Appl. No.: 10/074,991  
Filed: 02/13/2002  
Art Unit: 2644

5/9

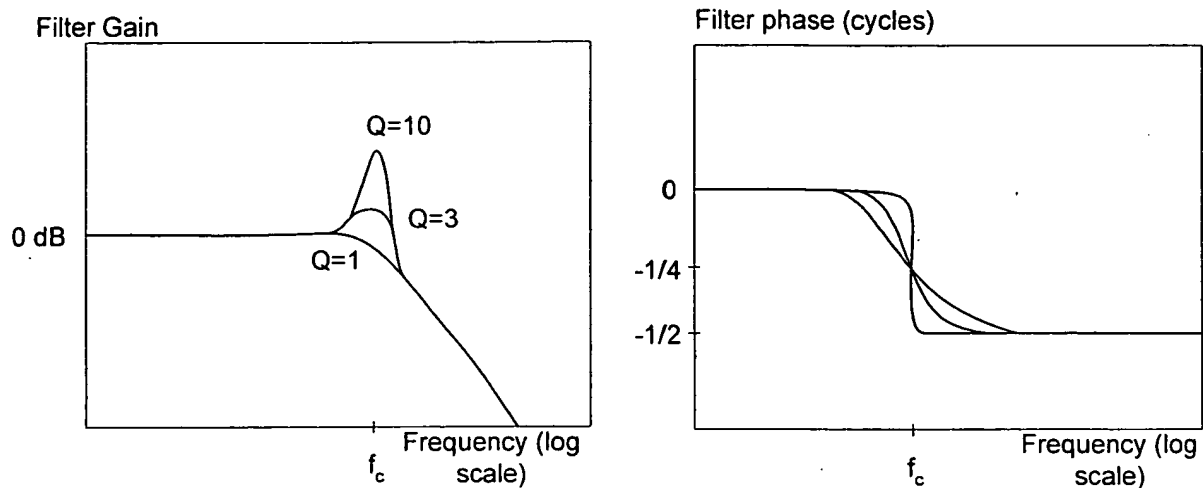


Figure 5

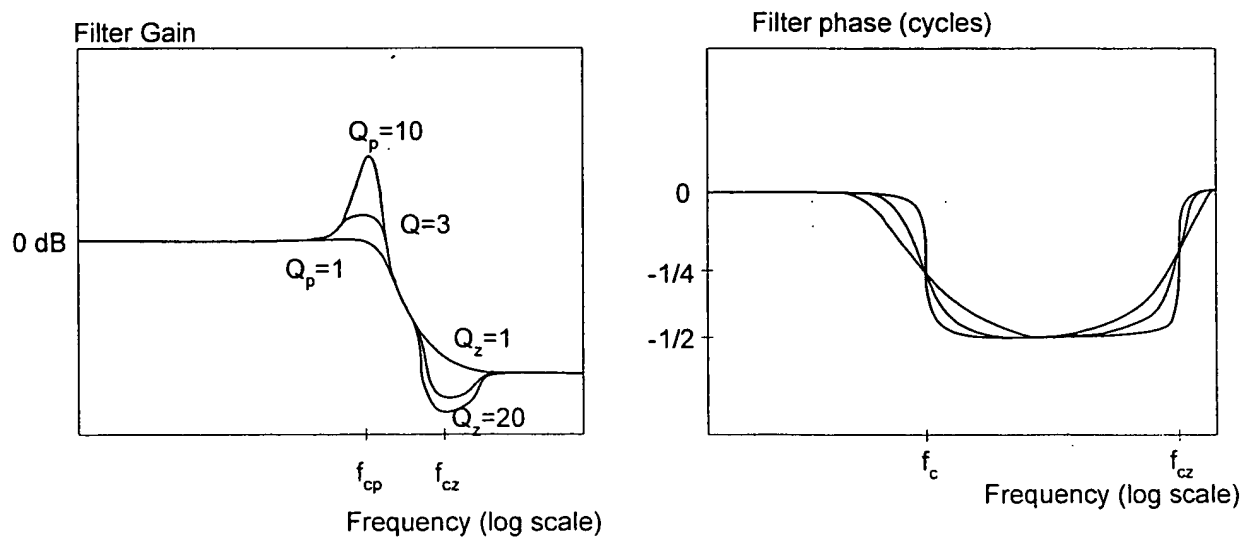


Figure 6



Replacement Sheet  
U.S Patent Appl. No.: 10/074,991  
Filed: 02/13/2002  
Art Unit: 2644

6/9

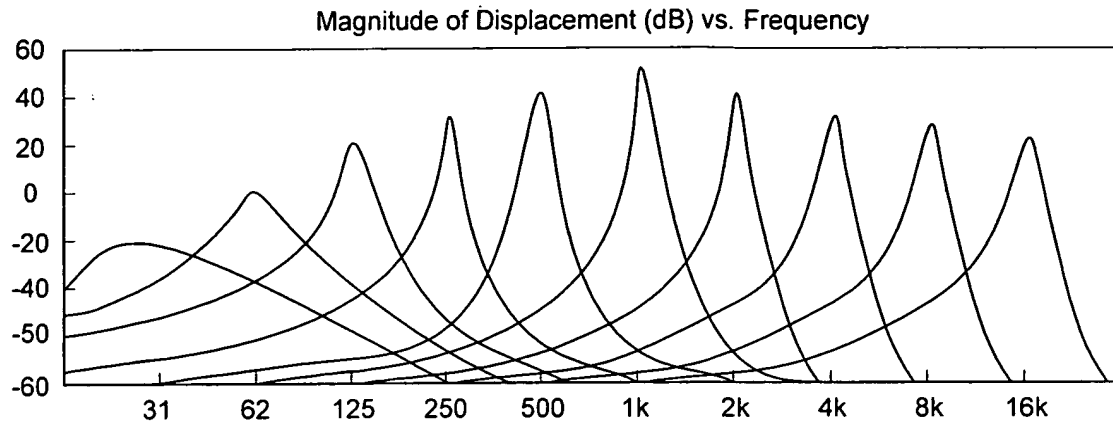


Figure 7

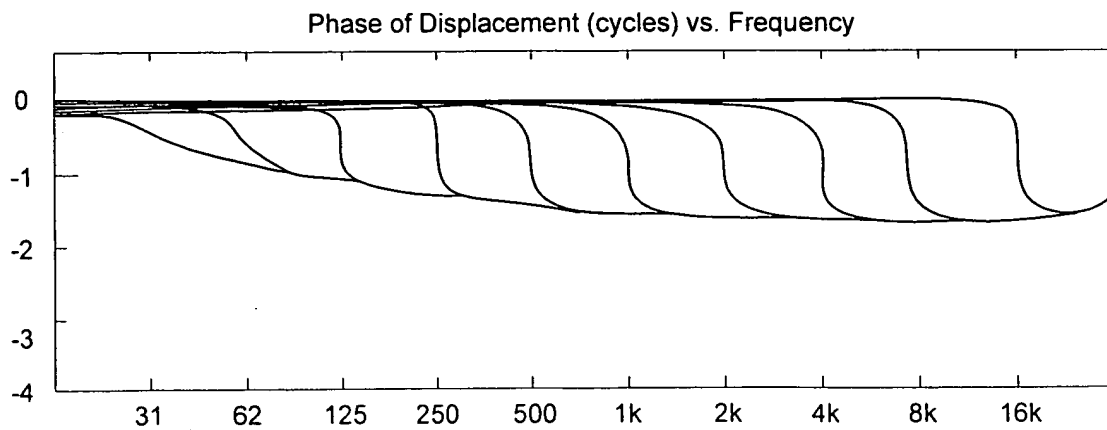


Figure 8